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Attorneys for Defendants
CHASE BANK USA, N.A.,
erroneously sued as CHASE
MANHATTAN BANK U.S.A.,
N.A., and JPMORGAN CHASE & CO.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DAVID J. LEE and DANIEL R.
LLOYD, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

CHASE MANHATTAN BANK U.S.A.,
N.A., a Delaware corporation, CHASE
MANHATTAN BANK U.S.A., N.A.
d.b.a. CHASE BANK U.S.A., N.A.,
JPMORGAN CHASE & CO., a
Delaware corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. CV-07-4732 MJJ

THE HON. MARTIN J. JENKINS

**DECLARATION OF STEPHEN J.
NEWMAN IN SUPPORT OF
DEFENDANTS'
ADMINISTRATIVE MOTION FOR
CONTINUANCE OF THE
HEARING ON THE MOTION TO
DISMISS**

DECLARATION OF STEPHEN J. NEWMAN

I, Stephen J. Newman, being duly sworn, declare:

1. I am admitted to practice before this Court, and am a partner at Stroock & Stroock & Lavan, LLP, counsel for Defendant Chase Bank U.S.A., N.A. (“Chase”) in this action. This Declaration is submitted in support of Defendants’ Motion for Continuance of the Hearing on the Motion to Dismiss. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify to these facts.

2. On or about October 25, 2007, Chase filed a motion to dismiss in this action. Plaintiffs filed an opposition on November 13, 2007, to which Chase timely filed its Reply on November 20, 2007. The hearing on Defendants’ Motion to Dismiss was originally set for December 4, 2007. On November 26, 2007, the Court, sua sponte, ordered the hearing moved to December 11, 2007.

3. Defendants’ request for a continuance of the hearing on Defendants’ Motion to Dismiss is made on the grounds that counsel for Defendant, Julia Strickland, will be in New York City on December 10, 2007 for oral argument before the Court of Appeals for the Second Circuit in another matter (In re American Express Merchants Litigation, No. 06-1871-cv) and for subsequent client meetings. I am also scheduled to be in New York with Ms. Strickland. Thus, Defendant’s counsel would be unable to properly prepare and return to San Francisco to attend the December 11 hearing in this case. December 18 also is not available, as Ms. Strickland and I are both scheduled to be in Chicago for another matter.

4. This is Chase’s first request for a motion continuance in this case, and the Court and the parties would be best served by the grant of the continuance so that counsel for Defendants may adequately prepare for the hearing on Defendants’ Motion to Dismiss.

5. I asked Plaintiffs’ counsel, Matt Hale, to consent to this request for continuance but counsel declined to give it.

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1 I declare under penalty of perjury of the laws of the United States that the
2 foregoing is true and correct.

3 Executed this 28th day of November 2007.

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5 /s/ Stephen J. Newman
6 Stephen J. Newman
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